



HEWLETT-PACKARD COMPANY
Patent Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 200208831-1

Inventor(s): Daryl E. Anderson et al

Confirmation No.: 6766

Application No.: 10/613842

Examiner: Michael G Bogart

Filing Date: Jul 03, 2003

Group Art Unit: 3761

Title: OPTHALMIC APPARATUS AND METHOD FOR ADMINISTERING AGENTS TO THE EYE

Mail Stop Amendment
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Transmitted herewith is/are the following in the above-identified application:

- ☐ Response/Amendment
☐ New fee as calculated below
☒ No additional fee
☒ Other Response to Restriction Requirement

- ☐ Petition to extend time to respond
☐ Supplemental Declaration

Fee\$

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	<input type="checkbox"/> 1st Month \$120	<input type="checkbox"/> 2nd Month \$450	<input type="checkbox"/> 3rd Month \$1020	<input type="checkbox"/> 4th Month \$1590		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: 06/05/2006

Typed Name: Donald J. Coulman

Signature:

Respectfully submitted,

Daryl E. Anderson et al

By

Donald J. Coulman

Attorney/Agent for Applicant(s)

Reg No. : 50,406

Date : 06/05/2006

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PATENT APPLICATION

Attorney Docket No: 200208831-1
Appl. No. 10/613,842

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: Daryl Anderson et al.

Examiner: Michael Bogart

Application No: 10/613,842

Group Art Unit: 3761

Filing Date: July 03, 2003

Confirmation No: 6766

**Title: OPHTHALMIC APPARATUS AND METHOD FOR ADMINISTERING
AGENTS TO THE EYE**

COMMISSIONER FOR PATENTS

PO Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to Examiner's Office Communication dated May 04, 2006 Applicants respond as follows:

Examiner has identified three distinct inventions:

- I. Claims 1-32 drawn to an ophthalmic apparatus, classified in class 604, subclass 300;
- II. Claims 33-41 drawn to a method of administering liquid to an eye, classified in class 604, subclass 290; and
- III Claim 42, drawn to a system for administering a fluid to an eye, classified in the class 604, subclass 294.

Applicants affirm that the above three groups identified by the Examiner are patentably distinct. However, Applicants believe that the restriction requirement is improper and traverse this restriction requirement. Examiner's restriction requirement has not established that an undue burden would be required if the restriction requirement either was not issued or if issued with fewer groups. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present application, no undue burden has been established if each of the claims were examined together. In particular Examiner has neither indicated nor has given any arguments as to why prosecution of claims to Group I and III, or claims to Group II and III presents any serious burden as required by MPEP §803. Applicants note that all three inventions are within the same class. Applicants assert that to search several subclasses does not rise to the level of a serious burden.

The present restriction requirement not only improperly shifts the Examiner's burden to the Applicants, but also subjects the Applicants to the added financial burden of prosecuting different claims in an unreasonable number of separate proceedings. Applicants respectfully request that Examiner reconsider the current restriction and withdraw this restriction requirement.

Thus, Applicants hereby provisionally elect with traverse Group I covering claims 1-32 classified in class 604. Applicants assume for purposes of this response that Examiner has made a complete requirement for restriction in accordance with MPEP §§815 and 817. If Examiner has not made a complete requirement then Applicants respectfully request that Examiner withdraw this restriction requirement and provide a complete restriction requirement so that Applicants can properly assess Examiner's assertions.

The examiner has required restriction between product and process claims. Where Applicant elects claims drawn to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claims will be rejoined in accordance with the provisions of MPEP §821.04. Process claims that depend from or otherwise include all the limitations of the patentable product will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier.

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Information Disclosure Statement

Applicants respectfully request that a copy of the 1449 Form be returned with the next official communication listing all references that were submitted with the Information Disclosure Statement filed on July 03, 2003 and marked as being considered and initialed by the Examiner.

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Respectfully submitted,
Daryl Anderson et al.

By: _____



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Date: 5- June -06